S.B.Civil Writ Petition No.2550/2007

Raman Lal and others.

vs.

District Collector, Banswara and others.

Date : 19.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.PS Bhati, for the petitioners.

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Heard learned counsel for the petitioners.

According to the petitioners, they are owners of the property described in the patta issued by the Gram Panchayat, Lasada. It is submitted that since 1976, the petitioners are in possession of said piece of land as owners of the property and they also raised boundary wall. According to learned counsel for the petitioners, due to some dispute between Gram Panchayat, Lasada and Gram Panchayat, Paloda, Gram Panchayat, Paloda recommended a land, without demarcating it, for allotment to a Health Care Center for which the District Collector, Banswara issued order dated 24.3.2007 allotting some piece of land to Health Care Center of Paloda. Copy of this order is placed as

Annex.4. According to the petitioners, the respondents being the statutory body and over them the State is there, then the State should first determine the location of the land which has been allotted to the Health Care Center. Before that, the petitioners cannot be deprived of their property on the strength of such allotment order made by the Collector, Banswara. It is also submitted that in the garb of the allotment order dated 24.3.2007, the respondents are bent upon to demolish the boundary wall of the petitioners.

I considered the submissions of learned counsel for the petitioners and perused the facts of the case.

So far as the title of the petitioners is concerned, the petitioners have placed on record the patta issued by the Gram Panchayat, Lasada as Annex.1. The petitioners have also placed on record copy of order dated 24.3.2007 allotting the land of Survey No.11000/7411 measuring 0.8 hectares. This land is in Village Paloda whereas the petitioners' land is situated in Village Lasada. Therefore, in substance, it is a dispute regarding location of land rather than title. Even if the two Panchayats are claiming the land in their jurisdiction and falling within their territories, then the matter can be adjudicated only by filing of the civil suit where the location of lands

can be thoroughly examined by the civil court.

In view of the above, this Court is not inclined to entertain this writ petition.

Consequently, this writ petition is dismissed. However, it is made clear that in case, the petitioners choose to approach the civil court, they may approach within a period of one month from today. Meanwhile, the respondents shall not interfere or demolish any boundary wall raised by the petitioners over the land in dispute till two months from today.

(PRAKASH TATIA), J.

S.Phophaliya